

# EXHIBIT 4

Niall Galloway, M.D.

Page 1

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

IN RE: ETHICON, INC.,  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

Master File No.  
2:12-MD-02327  
MDL NO. 2327

THIS DOCUMENT RELATES TO THE  
FOLLOWING CASES IN THE WAVE 1  
OF MDL 200:

JOSEPH R. GOODWIN  
U.S. DISTRICT JUDGE

-----  
WENDY HAGANS,

Plaintiffs,

CIVIL ACTION NO.

vs.

2:12-cv-00783

ETHICON, INC., ET AL.,

Defendants.

(Caption continued on Page 2)

DEPOSITION OF  
NIALL GALLOWAY, MD

March 4, 2016

9:08 a.m.

230 Peachtree Street, N.W.  
Suite 2260  
Atlanta, Georgia

Michelle K. Layton, RMR, CCR-B-2737

Niall Galloway, M.D.

Page 2	Page 4
<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 SOUTHERN DISTRICT OF WEST VIRGINIA</p> <p>3 CHARLESTON DIVISION</p> <p>4 IN RE: ETHICON, INC., Master File No.</p> <p>5 PELVIC REPAIR SYSTEM 2:12-MD-02327</p> <p>6 PRODUCTS LIABILITY LITIGATION MDL NO. 2327</p> <p>7 THIS DOCUMENT RELATES TO THE</p> <p>8 FOLLOWING CASES IN THE WAVE 1 JOSEPH R. GOODWIN</p> <p>9 OF MDL 200: U.S. DISTRICT JUDGE</p> <p>10 -----</p> <p>11 Margaret Stubblefield v. Ethicon, Inc., et al.</p> <p>12 Civil Action No. 2:12-cv-00842</p> <p>13</p> <p>14 Beth Harter, et al. v. Ethicon, Inc., et al.</p> <p>15 Civil Action No. 2:12-cv-00737</p> <p>16 Mary Holzerland, et al. V. Ethicon, Inc.</p> <p>17 Civil Action No. 2:12-cv-00875</p> <p>18</p> <p>19 Wendy Hagans v. Ethicon, Inc., et al.</p> <p>20 Civil Action No. 2:12-cv-00783</p> <p>21 Lois Durham, et al. v. Ethicon, Inc., et al.</p> <p>22 Civil Action No. 2:12-cv-00760</p> <p>23</p> <p>24 Carey Beth Cole, et al. v. Ethicon, Inc., et al.</p> <p>25 Civil Action No. 2:12-cv-00483</p> <p>26 Angela Morrison, et al. v. Ethicon, Inc., et al.</p> <p>27 Civil Action No. 2:12-cv-00800</p> <p>28</p> <p>29 Melissa Clayton, et al. v. Ethicon, Inc., et al.</p> <p>30 Civil Action No. 2:12-cv-00489</p> <p>31 Tina Morrow, et al. v. Ethicon, Inc., et al.</p> <p>32 Civil Action No. 2:12-cv-00378</p> <p>33</p> <p>34 Charlene Taylor v. Ethicon, Inc., et al.</p> <p>35 Civil Action No. 2:12-cv-00376</p> <p>36 Dina Bennett v. Ethicon, Inc., et al.</p> <p>37 Civil Action No. 2:12-cv-00497</p> <p>38</p> <p>39 Jackie Frye v. Ethicon, Inc., et al.</p> <p>40 Civil Action No. 2:12-cv-01004</p>	<p>1 I N D E X</p> <p>2</p> <p>3 DEPOSITION OF NIALL GALLOWAY, MD</p> <p>4</p> <p>5 Page</p> <p>6 EXAMINATION BY MR. BERDY 6</p> <p>7</p> <p>8 EXAMINATION BY MS. O'DELL 114</p> <p>9</p> <p>10</p> <p>11</p> <p>12 E X H I B I T S</p> <p>13 (Attached to Original Transcript)</p> <p>14</p> <p>15 DEFENDANT'S EXHIBITS INDEX</p> <p>16</p> <p>17 Number Description Page</p> <p>18 Exhibit 1 Notice to Take Deposition 7</p> <p>19 Exhibit 1A Notebook containing Dr. Niall 8</p> <p>20 Galloway's Expert Report,</p> <p>21 Depositions reviewed, and</p> <p>22 Medical Records</p> <p>23</p> <p>24 Exhibit 2 Curriculum Vitae, Revised 9</p> <p>25 October 2012</p> <p>26 Exhibit 3 IME Report of Dr. Niall Galloway 48</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p>
Page 3	Page 5
<p>1 APPEARANCES OF COUNSEL</p> <p>2</p> <p>3 On behalf of Plaintiff Wendy Hagans:</p> <p>4 P. LEIGH O'DELL, ESQUIRE</p> <p>5 Beasley, Allen, Crow, Methvin, Portis &amp; Miles, P.C.</p> <p>6 218 Commerce Street</p> <p>7 Post Office Box 4160</p> <p>8 Montgomery, Alabama 36103-4160</p> <p>9 334-269-2343</p> <p>10 leigh.odell@BeasleyAllen.com</p> <p>11</p> <p>12 On behalf of the Defendants:</p> <p>13 CHRISTOPHER S. BERDY, ESQUIRE</p> <p>14 Butler Snow, LLP</p> <p>15 One Federal Place, Suite 1000</p> <p>16 1819 Fifth Avenue North</p> <p>17 Birmingham, Alabama 35203</p> <p>18 205-297-2207</p> <p>19 chris.berdy@butlersnow.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 DEPOSITION OF NIALL GALLOWAY, MD</p> <p>2 March 4, 2016</p> <p>3 NIALL GALLOWAY, MD</p> <p>4 having been first duly sworn, was examined and</p> <p>5 testified as follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. BERDY:</p> <p>8 Q. State your name for the record,</p> <p>9 please.</p> <p>10 A. Niall, N-i-a-l-l, Thomas McLaren</p> <p>11 Galloway.</p> <p>12 Q. Dr. Galloway, my name is Chris</p> <p>13 Berdy, and we met just a few moments ago. And</p> <p>14 I represent Johnson &amp; Johnson and Ethicon,</p> <p>15 Inc., in a lawsuit that's been brought by a</p> <p>16 woman named Wendy Hagans. Do you understand</p> <p>17 that?</p> <p>18 A. Yes, I do.</p> <p>19 Q. And I understand that you are here</p> <p>20 today to offer some opinions in connection</p> <p>21 with Ms. Hagans' lawsuit; is that correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And I understand you've offered a</p> <p>24 lengthy report in this case that includes both</p>

2 (Pages 2 to 5)

Niall Galloway, M.D.

Page 98	Page 100
<p>1 tissues. And that tension is -- part of the</p> <p>2 reason for that tension is contraction of the</p> <p>3 material.</p> <p>4 Q. But you determine that contraction</p> <p>5 and shrinkage only after having removed the</p> <p>6 mesh from a patient, correct?</p> <p>7 MS. O'DELL: Object to the form.</p> <p>8 A. Having now done this hundreds of</p> <p>9 times, knowing what this mesh feels like, I</p> <p>10 would bet my firstborn child that when that</p> <p>11 mesh is divided in the midline, it will spring</p> <p>12 apart. And that implies that there is tension</p> <p>13 in the mesh. And that tension, if it was</p> <p>14 first put in tension-free, which we believe it</p> <p>15 was, that tension is likely to be due to</p> <p>16 contraction of the material.</p> <p>17 Q. (By Mr. Berdy) You mentioned here</p> <p>18 nerve entrapment?</p> <p>19 A. Yes.</p> <p>20 Q. Did you determine that Ms. Hagans</p> <p>21 had nerve entrapment?</p> <p>22 A. I do not have pathological evidence</p> <p>23 for that.</p> <p>24 Q. You used the word "deformation"</p>	<p>1 degradation can occur in vivo, the only way to</p> <p>2 determine whether mesh is actually degraded is</p> <p>3 through a pathological examination of the</p> <p>4 explanted mesh, correct?</p> <p>5 MS. O'DELL: Object to the form.</p> <p>6 A. Yes, that's correct.</p> <p>7 Q. (By Mr. Berdy) And you certainly</p> <p>8 didn't take any tissue samples of Ms. Hagans,</p> <p>9 correct?</p> <p>10 A. We did not.</p> <p>11 Q. So we're not able to determine --</p> <p>12 you were not able to determine whether there</p> <p>13 was actual mesh degradation in Ms. Hagans</p> <p>14 based on your examination of her, correct?</p> <p>15 MS. O'DELL: Object to the form.</p> <p>16 A. No, that's correct.</p> <p>17 Q. (By Mr. Berdy) Let's move on to the</p> <p>18 "Differential Diagnosis" section. Can you</p> <p>19 describe for us what a differential diagnosis</p> <p>20 is and why you conducted one in connection</p> <p>21 with your opinions in this case?</p> <p>22 A. Yes. A differential diagnosis is</p> <p>23 part of the typical process of medical</p> <p>24 management, where we look to what is the</p>
Page 99	Page 101
<p>1 here. Is that in reference to the mesh?</p> <p>2 A. Yes.</p> <p>3 Q. Did you determine that the mesh was</p> <p>4 deformed?</p> <p>5 A. The mesh is deforming the native</p> <p>6 tissues; it is elevating the bladder neck to</p> <p>7 an abnormal position; and it is causing</p> <p>8 thickening and induration and associated</p> <p>9 tenderness.</p> <p>10 Q. You used the word "degradation"</p> <p>11 here. Is that in reference to the mesh?</p> <p>12 A. Yes.</p> <p>13 Q. Did you determine that the mesh had</p> <p>14 degraded in Ms. Hagans?</p> <p>15 A. I have no histological or electron</p> <p>16 microscopy evidence, but polypropylene mesh is</p> <p>17 known to deteriorate and degenerate within the</p> <p>18 body, and all of the studies of mesh explants</p> <p>19 that have been recorded in the literature</p> <p>20 record the patterns of degeneration and</p> <p>21 disintegration that occur.</p> <p>22 And this lady's pattern of symptoms</p> <p>23 is consistent with that being a likely factor.</p> <p>24 Q. To the extent, if we assume that</p>	<p>1 likely cause and what are the other possible</p> <p>2 causes that might contribute to a patient's</p> <p>3 symptoms or findings.</p> <p>4 Q. And in the case of Ms. Hagans, you</p> <p>5 conducted a differential diagnosis to</p> <p>6 determine whether other medical and</p> <p>7 surgical -- the other medical and surgical</p> <p>8 histories that she reported to you had any</p> <p>9 bearing on the symptoms that she was</p> <p>10 presenting with?</p> <p>11 A. That is correct.</p> <p>12 Q. And did you make an attempt to</p> <p>13 consider her entire surgical and medical</p> <p>14 history that she reported to you and that you</p> <p>15 discerned from her medical records in</p> <p>16 conducting your differential diagnosis?</p> <p>17 A. Yes, I did.</p> <p>18 Q. And do you believe that your</p> <p>19 differential diagnosis, in putting all of</p> <p>20 those different conditions into that bucket,</p> <p>21 was complete and accurate?</p> <p>22 A. I believe so.</p> <p>23 Q. And in ruling out certain</p> <p>24 conditions, I want to walk through those.</p>

26 (Pages 98 to 101)

Niall Galloway, M.D.

Page 122	Page 124
<p>1 or not a smoker today, would that impact the</p> <p>2 opinions in this case?</p> <p>3 A. No.</p> <p>4 MS. O'DELL: I have nothing further.</p> <p>5 MR. BERDY: Okay.</p> <p>6 MS. O'DELL: We're off the record.</p> <p>7 (Pursuant to Rule 30(e) of the</p> <p>8 Federal Rules of Civil Procedure and/or</p> <p>9 O.C.G.A. 9-11-30(e), neither a party nor</p> <p>10 the deponent having requested right of</p> <p>11 review of the deposition, the reading and</p> <p>12 signing of the deposition is waived.)</p> <p>13 (Deposition concluded at 11:27 a.m.)</p> <p>14 - - -</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 LAWYER'S NOTES</p> <p>2 PAGE LINE</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p>
<p>Page 123</p> <p>1 STATE OF GEORGIA:</p> <p>2 COUNTY OF FULTON:</p> <p>3</p> <p>4 I hereby certify that the foregoing</p> <p>5 transcript was reported, as stated in the</p> <p>6 caption, and the questions and answers thereto</p> <p>7 were reduced to typewriting under my</p> <p>8 direction; that the foregoing pages represent</p> <p>9 a true, complete, and correct transcript of</p> <p>10 the evidence given upon said hearing, and I</p> <p>11 further certify that I am not of kin or</p> <p>12 counsel to the parties in the case; am not in</p> <p>13 the employ of counsel for any of said parties;</p> <p>14 nor am I in any way interested in the result</p> <p>15 of said case.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 MICHELLE K. LAYTON, RMR</p> <p>21 Certified Court Reporter</p> <p>22 Certificate No. B-2737</p> <p>23</p> <p>24</p>	

32 (Pages 122 to 124)